

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 25066 of 2000

Between:

Chelikani Raja Mohan Rao, S/o. Chinnaiah,
R/o.Ch.Pothepalli, Dwarakatirumala Mandal,
West Godavari District.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh,
rep., by its Principal Secretary
Agriculture & Cooperation Department,
Secretariat, Hyderabad.
2. The District Cooperative Officer,
West Godavari at Eluru.
3. The Divisional Cooperative Officer,
Eluru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order of direction more particularly one in the nature of writ of Certiorari or any other appropriate writ calling for the records relating to G.O.Rt.No.911 dated 27-9-2000 issued by the 1st respondent and quash the same as illegal, arbitrary and

issued in violation of principles of natural justice and consequently set-aside the proceedings of the 2nd respondent bearing ROC(Coop)7125/95-A dt.24-4-1996.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondent No.: GP FOR COOPERATION

The Court made the following:

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ORDER:-

Heard both the learned counsel. Petitioner herein who is a President of G. Kothapalli P.A.C.S. Ltd., Dwarakatirumala Mandal, West Godavari District, filed this writ petition seeking writ of Mandamus, inter alia, challenging the orders passed by the first respondent herein in G.O.Rt.No. 911 dated 27-9-2000 on the ground of violation of principles of natural justice and further he seeks to set aside the proceedings of second respondent dated 24-4-1996.

The case of the petitioner, in brief, is that in pursuance of an enquiry ordered by the second respondent under Section 51 of the A.P. Co-operative Societies Act, orders have been passed on 24-4-1996. The petitioner filed revision before first respondent, inter alia, raising several substantial questions. However, in spite of the same, the respondents disposed of the revision by the impugned order without giving any opportunity to him. Hence this writ petition.

In the counter-affidavit filed, though several allegations were made in respect of the merits and several checkered events, there is nothing to the effect that the petitioner was given any notice before the disposal of the revision. Having regard to the same and especially in view of the fact that the orders, on the face of it, did not disclose anything about issuance of notice of giving opportunity to the petitioner, the matter has to be reconsidered.

Accordingly, this writ petition is allowed and the impugned order is set aside. The respondents are directed to dispose of the revision afresh, after giving notice and opportunity to the petitioner, on its own merits in accordance with law. No costs.

2—09—2004.

Stv/-

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Thursday, the Second Day of September, Two Thousand and Four.

ASSISTANT REGISTRAR

To

1. The Principal Secretary, Government of Andhra Pradesh, Agriculture & Cooperation Department, Secretariat, Hyderabad.
2. The District Cooperative Officer, West Godavari at Eluru.
3. The Divisional Cooperative Officer, Eluru, West Godavari District.
4. 2 CCs to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT).
5. 2 CD copies.

